

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

SANTOS RODRIGUEZ,

Plaintiff,

v.

KELLY SANTORO, *Warden at North  
Kern State Prison,*

Defendant.

Case No. 1:21-cv-01263-HBK

**ORDER DENYING MOTION TO PROCEED  
*IN FORMA PAUPERIS* WITHOUT  
PREJUDICE**

(Doc. No. 2)

30-DAY DEADLINE

**ORDER DIRECTING CLERK OF COURT TO  
PROVIDE PLAINTIFF WITH NON-  
PRISONER IFP APPLICATION FORM**

Plaintiff Santos Rodriguez, a former prisoner, initiated this action by filing a *pro se* complaint pursuant to 42 U.S.C. § 1983 on August 19, 2021. (Doc. No. 1). Plaintiff concurrently moved to proceed *in forma pauperis* (“IFP”) under 28 U.S.C. § 1915. (Doc. No. 2). Plaintiff submitted the IFP application form reserved for current prisoners. (Doc. No. 2). Because Plaintiff is no longer incarcerated, he is required to use the IFP Application Form for non-prisoners in order that the Court may properly assess his indigency. The Court therefore will deny Plaintiff’s IFP motion without prejudice to Plaintiff filing a completed IFP Application Form for non-prisoners (AO 240).<sup>1</sup>

<sup>1</sup> The form is available on the court’s website <http://www.caed.uscourts.gov/caednew/index.cfm/forms/civil/>.

Accordingly, it is **ORDERED:**

1. Plaintiff's motion to proceed *in forma pauperis* (Doc. No. 2) is DENIED without prejudice.
2. The Clerk of Court is directed to send *pro se* Plaintiff a copy of the IFP Application Form for non-prisoners (AO 240).
3. Within thirty days from the date of this Order, Plaintiff shall either pay the \$402.00 filing fee or file the enclosed IFP Application Form for non-prisoners should he wish to proceed *in forma pauperis*.
4. Plaintiff's failure to timely comply with this Order will result in the Court recommending this matter's dismissal.

Dated: August 23, 2021

  
HELENA M. BARCH-KUCHTA  
UNITED STATES MAGISTRATE JUDGE